

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

DONTA BETTS

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Criminal No. CCB-15-0557

Civil No. CCB -17-1748

**MEMORANDUM**

Donta Betts has filed a petition under 28 U.S.C. §2255 based on (1) ineffective assistance of counsel for not pursuing a direct appeal; (2) *Dean v. United States*, 137 S. Ct. 1170 (2017); (3) ineffective assistance for not challenging petitioner's juvenile enhancement; and (4) ineffective assistance of counsel for not challenging the sentence. The Government agrees that an evidentiary hearing is required as to the first, third, and fourth contentions made by petitioner. Thus, this memorandum addresses only the second contention.

In *Dean v. United States* the Supreme Court held that nothing in the statute setting mandatory minimum sentences for using or possessing a firearm in connection with a violent or drug trafficking crime restricts the authority of sentencing courts to consider a sentence imposed under the mandatory minimum statute when calculating a just sentence for the predicate counts. *Dean* has no application here. Rather, the sentence imposed by the court was based upon an agreement entered into between the parties pursuant to Rule 11(c)(1)(C), which was accepted by the court. There is no indication in the record that the court failed to consider the length of the ten-year mandatory minimum sentence for Count Two when determining the appropriate total length of the sentence.

A separate order effecting the ruling made in this memorandum is being entered herewith.

Date: November 1, 2017

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Catherine C. Blake  
United States District Judge